IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3338 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SANJAYKUMAR TRIBHOVANDAS DAVE SINCE DECEASED THROGH HIS LEGA

Versus

STATE OF GUJARAT

Appearance:

MR AMIT C BHATT for MR GAURANG H BHATT for Petitioners

MR SAMIR J DAVE, for Respondent No. 1,2 and 4

DELETED for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/01/2001

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Parity has been claimed in the pay scale by the petitioner (since deceased after filing of this petition)

who was working as a Store Keeper with the Pay scale of Store Keeper working in Gujarat College at Ahmedabad.

3. Reply to the special civil application has been filed by the respondents. In para-3 thereof, it is stated that Gujarat College, which is situated in Ahmedabad city is the oldest Science College of the State and in the said College number of faculties are there i.e. Physics, Chemistry, Maths, Geology, Botany, Biology, Micro-biology, Statistics. In all other colleges which came into existence later in point of time, less faculties than Gujarat College are there. It has further been stated that in Gujarat Civil Services Pay Scale Rules of 1975, the pay scale of Store Keeper working in Gujarat College was Rs.160-265. Thereafter, it was increased to Rs.330-560 and in other Colleges as per the recommendations of Sarela Pay Commission, the pay scale of Rs.260-400 has been prescribed. In reply, it is admitted that the Third Pay Commission has recommended equal pay of those persons who are working as storekeepers in other colleges but the Government has not accepted the said proposal.

4. The petitioners have not filed rejoinder to reply filed by the respondents, meaning thereby, the averments made in reply stand uncontroverted. From the averments made by the respondents in para-3 of the reply, it is clearly borne out that the duties and work to be discharged and done by the Storekeeper of Gujarat College at Ahmedabad is much more than what it has to be discharged and done by the Storekeepers of other colleges. The claim of the petitioner (since deceased after filing of this petition) for equal pay for equal work does not stand to any merits and it cannot be granted.

5. As a result of the aforesaid discussion, this petition fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

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